



COUNTY OF NASSAU
OFFICE OF THE COUNTY ATTORNEY

September 27, 2023

Via ECF

Honorable Gary R. Brown
United States District Court
100 Federal Plaza/Central Islip, New York 11722

Re *Frankie Valenti v. Police Commissioner Patrick J. Ryder, et al.*
19-CV-03990 (GRB)(LGD)

Your Honor:

This office represents defendants in the above referenced action. I am writing to clear up some questions as to the documents defendants previously filed on ECF in support of their motion for summary judgment, and in opposition to plaintiff Frankie Valenti's cross motion for summary judgment.

First on April 21, 2023 defendants filed their motion for summary judgment on ECF [DE 113]. In that filing, the Declaration of Deputy County Ralph J. Reissman listed Exhibits "A" through "Q" and these exhibits were attached to the Notice of Motion.

Second, also on April 21, 2023 defendants filed their Response to plaintiff's Local Rule 56.1 Statement and Counterstatement [DE 114, Exhibit "3"]. In their Counterstatement defendants referenced Exhibits "R" through "U" in paragraphs "35," "36," "40" and "42." However, upon investigation, it is evident that defendants did not attach these four exhibits to their Counterstatement, and when defendants served the Counterstatement upon plaintiff's attorneys on October 27, 2022 via ECF [DE 98, attachment # 1], it did not include those four exhibits either. Therefore, plaintiff's counsel did not have the opportunity to consider these documents in serving his Reply Memorandum of Law.

Third, on September 26, 2023 [DE 117] defendants re-filed on ECF their Response and Counterstatement to plaintiff's Local Rule 56.1 Statement, which had in fact previously been filed on October 27, 2022 [DE 98, attachment # 1]. This re-filing should be considered withdrawn since defendants will serve the original filing of October 27, 2022 with ECF markings with their courtesy copies to the Court on or before October 3, 2023.

Therefore, upon consultation today with plaintiff's counsel, Neil Torczyner, Esq. defendants hereby withdraw paragraphs "35," "36," "40" and "42" and references to Exhibits "R," "S," "T" and "U" from their Counterstatement.

Defendants apologize to the Court and plaintiff's counsel for any confusion they may have engendered and thank Your Honor for your attention and consideration in this matter.

Respectfully submitted,

/s/ Ralph J. Reissman
RALPH J. REISSMAN
Deputy County Attorney

cc: Via ECF
Neil Torczyner, Esq.
Attorney for Plaintiff